

**VERDICT FORM**

We, the jury, unanimously find as follows:

**Infringement**

FILED IN OPEN COURT  
U.S.D.C. - Atlanta  
JUN 19 2017  
By: JAMES N. HATTEN, Clerk  
Deputy Clerk

**A. General Plastic**

1. Has Canon proven, by a preponderance of the evidence, that General Plastic has directly infringed the asserted claims of the '012 patent through its use of the Type B Accused Toner Bottles?

Please answer "yes" or "no" in **each** box.

- "Yes" is a finding for Canon. "No" is a finding for General Plastic.
- If you answer "no" to independent claim 24 for a product, you must answer "no" to claims 25 and 30 for that product as well.

	Claim 24	Claim 25	Claim 30
Type B Accused Toner Bottles	Yes	Yes	Yes

2. Has Canon proven, by a preponderance of the evidence, that General Plastic has induced infringement of the asserted claims of the '012 patent for each of the Accused Toner Bottles listed below?

Please answer "yes" or "no" in **each** box.

- "Yes" is a finding for Canon. "No" is a finding for General Plastic.
- If you answer "no" to independent claim 24 for a product, you must answer "no" to claims 25 and 30 for that product as well.

	Claim 24	Claim 25	Claim 30
Type A Accused Toner Bottles	Yes	Yes	Yes
Type B Accused Toner Bottles	Yes	Yes	Yes

3. Has Canon proven, by a preponderance of the evidence, that General Plastic has contributed to infringement of the asserted claims of the '012 patent for each of the Accused Toner Bottles listed below?

Please answer "yes" or "no" in **each** box.

- "Yes" is a finding for Canon. "No" is a finding for General Plastic.
- If you answer "no" to independent claim 24 for a product, you must answer "no" to claims 25 and 30 for that product as well.

	Claim 24	Claim 25	Claim 30
Type A Accused Toner Bottles	Yes	Yes	Yes
Type B Accused Toner Bottles	Yes	Yes	Yes

4. With respect to the Type A Accused Toner Bottles, if your answer to any of questions A2 or A3, above, was yes, has Canon also proven by a preponderance of the evidence that General Plastic's infringement was willful?

Please answer "yes" or "no."

- "Yes" is a finding for Canon. "No" is a finding for General Plastic.

Yes: X No: \_\_\_\_\_

5. With respect to the Type B Accused Toner Bottles, if your answer to any of questions A1, A2, or A3, above, was yes, has Canon also proven by a preponderance of the evidence that General Plastic's infringement was willful?

Please answer "yes" or "no."

- "Yes" is a finding for Canon. "No" is a finding for General Plastic.

Yes: X No:       

## **B. Color Imaging**

1. Has Canon proven, by a preponderance of the evidence, that Color Imaging has directly infringed the asserted claims of the '012 patent through its use of the Type B Accused Toner Bottles?

Please answer "yes" or "no" in **each** box.

- "Yes" is a finding for Canon. "No" is a finding for Color Imaging.
- If you answer "no" to independent claim 24, you must answer "no" to claims 25 and 30 as well.

	Claim 24	Claim 25	Claim 30
Type B Accused Toner Bottles	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>

2. Has Canon proven, by a preponderance of the evidence, that Color Imaging has induced infringement of the asserted claims of the '012 patent for

## Type B Accused Toner Bottles?

Please answer “yes” or “no” in **each** box.

- “Yes” is a finding for Canon. “No” is a finding for Color Imaging.
- If you answer “no” to independent claim 24, you must answer “no” to claims 25 and 30 as well.

	Claim 24	Claim 25	Claim 30
Type B Accused Toner Bottles	Yes	Yes	Yes

3. Has Canon proven, by a preponderance of the evidence, that Color Imaging has contributed to infringement of the asserted claims of the '012 patent for Type B Accused Toner Bottles?

Please answer “yes” or “no” in **each** box.

- “Yes” is a finding for Canon. “No” is a finding for Color Imaging.
- If you answer “no” to independent claim 24, you must answer “no” to claims 25 and 30 as well.

	Claim 24	Claim 25	Claim 30
Type B Accused Toner Bottles	Yes	Yes	Yes

4. If your answer to any of questions B1, B2, or B3, above, was yes, has Canon proven by a preponderance of the evidence that Color Imaging’s infringement was willful?

Please answer “yes” or “no.”

- “Yes” is a finding for Canon. “No” is a finding for Color Imaging.

Yes: X No:       

**\*\*\* IF YOUR ANSWERS TO A1, A2, A3, B1, B2, AND B3 ARE ALL “NO,” STOP HERE AND DO NOT ANSWER ANY FURTHER QUESTIONS. PROCEED DIRECTLY TO THE SIGNATURE SECTION FOR THE FOREPERSON ON THIS VERDICT FORM ON PAGE 9. THE FOREPERSON SHOULD THEN SIGN THE VERDICT.**

**Defendants' Affirmative Defenses**

1. Have General Plastic and Color Imaging proven, by a preponderance of the evidence, that Canon exhausted its rights to the '012 patent when it sold or leased the Canon copiers that were used with Accused Toner Bottles?

Please indicate "yes" or "no" below.

"Yes" is a finding for General Plastic and Color Imaging. "No" is a finding for Canon.

\_\_\_\_\_ YES

  X   NO

2. Have General Plastic and Color Imaging proven, by a preponderance of the evidence, that Canon granted each purchaser or lessee of a Canon copier an implied license under the '012 patent to use Accused Toner Bottles with the Canon copier?

Please indicate "yes" or "no" below.

"Yes" is a finding for General Plastic and Color Imaging. "No" is a finding for Canon.

\_\_\_\_\_ YES

  X   NO

3. If your answer to **EITHER** questions 1 or 2 above was "Yes," have

General Plastic and Color Imaging proven, by a preponderance of the evidence, that the use of an Accused Toner Bottle with a Canon copier is a permissible repair?

Please indicate "yes" or "no" below.

"Yes" is a finding for General Plastic and Color Imaging. "No" is a finding for Canon.

\_\_\_\_\_ YES   X   NO

**\*\*\* IF YOU HAVE FOUND FOR DEFENDANTS ON ONE OR MORE OF THEIR AFFIRMATIVE DEFENSES, STOP HERE AND DO NOT ANSWER ANY FURTHER QUESTIONS. PROCEED DIRECTLY TO THE SIGNATURE SECTION FOR THE FOREPERSON ON THIS VERDICT FORM ON PAGE 9. THE FOREPERSON SHOULD THEN SIGN THE VERDICT.**

**IF YOU HAVE FOUND THAT DEFENDANTS HAVE PROVEN ANY OF THEIR THREE AFFIRMATIVE DEFENSES, DO NOT FILL OUT THIS DAMAGES SECTION. PROCEED DIRECTLY TO THE SIGNATURE SECTION FOR THE FOREPERSON ON THIS VERDICT FORM ON PAGE 9. THE FOREPERSON SHOULD THEN SIGN THE VERDICT.**

**Damages**

1. What damages, if any, do you award Canon for General Plastic's infringement?

Amount: \$ 3,740,604

Royalty Rate: \$ 12 per empty bottle

2. What damages, if any, do you award Canon for Color Imaging's infringement?

Amount: \$ 730,380

Royalty Rate: \$ 12 per empty bottle



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**Signature Section**

Debra Banks  
Foreperson

6/19/17  
Date